

SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, W. Sidney Shinault, Jr. and Elaine Davis Shinault, hereinafter referred to as "Grantor", do hereby grant, bargain, sell and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and easement at any time and from time to time to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline, pipelines and other appurtenances for operation of the City Sewage System, within the confines of an area described in Exhibit 1, which is attached hereto and made a part hereof as if fully copied herein, together with reasonable access thereto.

TO HAVE AND TO HOLD said easement and reasonable access thereto unto said Grantee, its successors and assigns temporarily, where noted, and permanently, where noted in Exhibit 1.

It is agreed that the pipeline or pipelines to be laid under this grant shall be constructed at sufficient depth below the surface of the ground to permit normal cultivation, and Grantor shall have the right to fully use and enjoy the above described premises, subject to the rights herein granted.

As additional consideration it is agreed that Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.

Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the herein granted easement, and Grantor agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of the said line or lines.

Grantor hereby expressly agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working space, Grantee shall have the right and temporary access to additional working space which may be necessary for construction.

Grantor represents that the above described land is not rented at the present time.

The terms and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto, and the rights herein granted may be assigned in whole or in part.

IN WITNESS WHEREOF the said Grantors have hereunto set their hand and seal, this 21 day of Oct, 2002.


W. SIDNEY SHINAULT, JR.


ELAINE DAVIS SHINAULT

Witnessed By:

W. D. Shaw

STATE MS.-DESO TO CO.
FILED

Dec 13 3 20 PM '02

P₃
P₂

BK 434 PG 81
W.E. DAVIS CH. CLK.

APPROVED AND ACCEPTED by the
City of Olive Branch

By: Samuel P. Rikard
SAMUEL P. RIKARD, MAYOR



STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21 day of Oct, 2002, within my jurisdiction, W. D. Davis, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named W. Sidney Shinault, Jr. and Elaine Davis Shinault, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

W. D. Davis
Witness

Dale K. Thompson
NOTARY PUBLIC

My Commission Expires:

My Commission Expires Jan. 05, 2004

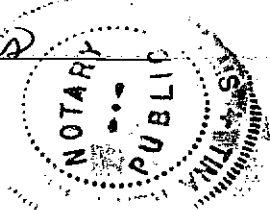
STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 9th day of December, 2002, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.

Jina Rene Williams
NOTARY PUBLIC

My Commission Expires:
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 13, 2006
BONDED THRU STEGALL NOTARY SERVICE



PREPARED BY AND RETURN TO: Gary P. Snyder, Watkins Ludlam Winter & Stennis, P.A.,
P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

**ELAINE DAVIS SHINAULT
DEED BOOK 328, PAGE 553
DEED BOOK 414, PAGE 183**

EXHIBIT 1

Being a portion of the Elaine Davis Shinault property, lying in the Section 23, Township 1 South, Range 7 West in the City of Olive Branch, Desoto County, Mississippi as recorded in Book 328, Page 553 and Book 414, Page 183 in the Desoto County Chancery Clerk's Office, and being more particularly described as follows:

PERMANENT UTILITY EASEMENT

Being a 10 foot wide strip of land and having a centerline described as follows: Beginning at a point in the north line of subject property, said point being 365.31 feet east of the northwest corner of subject property as measured along said east line; thence in a southerly direction an approximate distance of 1223.74 feet to a point in the south line of subject property, said point being 368.13 feet east of the southwest corner as measured along said south line and containing 12, 237 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

Being a 30-foot wide strip of land along the east and west sides of the above described permanent utility easement and containing 73, 421 square feet, more or less.

ELAINE DAVIS SHINAULT
BK. 328, PG. 553
BK. 414, PG. 183

10' PERMANENT
UTILITY EASEMENT

1223.74'

30' TEMPORARY
CONSTRUCTION EASEMENT

10.00'

30.00'

368.13'

1109.93'

365.31'

868.75'

226.53'

237.26'

1002.22'

1221.31'

THIS PROPERTY IS LOCATED IN
THE NW QUARTER OF SECTION
23, TOWNSHIP 1 SOUTH, RANGE 7
WEST DESOTO COUNTY, MISSISSIPPI

NO.	DESCRIPTION	DATE	BY

EXHIBIT NO. 1

SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI
DESOTO COUNTY

2001 SEWER IMPROVEMENTS
PHASE III
UTILITY EASEMENT

PREPARED BY: F&A BK. 328, PG. 553 TRACT: SHINAULT

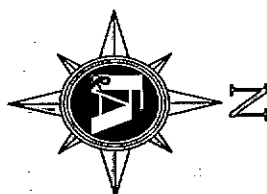
DRAFTSMAN: KWC DATE: OCT., 2002

EASEMENT REQUIRED:

UNENCUMBERED: ENCUMBERED:

PERM: 12,237 S.F. PERM: 0.0 S.F.

TEMP: 73,421 S.F. TEMP: 0.0 S.F.



SCALE: 1" = 200'